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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,476	11/13/2003	Wojciech Lazarski	LHUD-03201-UUS	8321
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MATTHIAS SCHOLL 14781 MEMORIAL DRIVE SUITE 1319 HOUSTON, TX 77079			EXAMINER WONG, BLANCHE	
			ART UNIT 2619	PAPER NUMBER
			NOTIFICATION DATE 01/25/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/712,476

Applicant(s)

LAZARSKI ET AL.

Examiner

Blanche Wong

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 4-7 have been considered but are moot in view of the new ground(s) of rejection.

Specification

2. The amendment filed November 7, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: enabling identification of the CPE interfaces "by MAC addresses" and "reserving the input buffer", para. [0009].

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

3. Claim 1 is objected to because of the following informalities: Examiner suggests replacing "one device of Customer Premises Equipment" in lines 6-7 with "one device of CPE" or "one CPE device" in consistent with the abbreviation introduced in line 6. Appropriate correction is required.

4. Claim 1 is objected to because of the following informalities: Examiner suggests replacing "wherein the multiplexer has a table of the CPE interfaces linked to the multiplexer" in lines 9-10 with "wherein the multiplexer has a table of CPE interfaces" for simplicity and clarity. Appropriate correction is required.

5. Claim 1 is objected to because of the following informalities: Examiner suggests replacing "identifiers of the CPE interfaces to which of the devices of the CPE are linked" in lines 14-15 with "identifiers of the CPE interfaces" for simplicity and clarity. Appropriate correction is required.

6. Claim 1 is objected to because of the following informalities: Examiner suggests replacing "the interfaces" in line 19 with "the CPE interfaces" in consistent with "CPE interfaces" in line 6. Appropriate correction is required.

7. Claim 1 is objected to because of the following informalities: Examiner suggests inserting a semicolon ";" after the first "wherein limitation ending in line 19 and the second "wherein" limitation ending in line 21 to read "wherein the multiplexer has a table of the CPE interfaces ... and a table of MAC addresses ... and identifiers of the CPE interfaces[;] wherein the multiplexer enables transfer of data[;] and wherein each of the interfaces ...". Appropriate correction is required.

8. Claim 5 is objected to because of the following informalities: Examiner suggests replacing "when recipient CPE interfaces" in line 15 with "when the recipient CPE interfaces" in consistent with "the recipient CPE interfaces" in line 12. Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. **Claims 6 and 7** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 6 and 7, and the Specification, are amended with the limitation "reserving the input buffer". However, the Specification does not further disclose how to reserve the input buffer and/or whether "reserving the input buffer" results in a reservation.

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. **Claims 1 and 4-7** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, it is unclear whether there are more than "one device of CPE" in lines 6-7. That is, "CPE interfaces, each interface linked to one CPE device" does not imply an equal number of CPE interfaces and devices.

With regard to claim 1, it is unclear what is meant by "wherein the multiplexer has a table of the CPE interfaces linked to the multiplexer" in lines 9-10. "[L]inked to the multiplexer" seems iterative.

With regard to claim 1, it is unclear what is “an addressed interface” and what is meant by “chosen from the CPE interfaces”, and whether the address interface is one of the CPE interfaces.

With regard to claim 1, it is unclear what is meant by “identifiers of the CPE interfaces to which of the devices of the CPE are linked” in lines 14-15 because lines 6-7 recites “each interface linked to one device of CPE”. “[T]o which of the devices of the CPE are linked” seems iterative.

With regard to claim 1, it is unclear what is meant by “where an interface identifier, to which device of the CPE with a specified MAC address is connected” in lines 15-16 and whether “an interface identifier” is the same as the “identifiers of the CPE interfaces” in lines 14-15.

With regard to claim 1, it is unclear what is meant by “sent by the interfaces” in lines 18-19 and whether “the interfaces” are the same as the “CPE interfaces” in line 6.

With regard to claim 4, it is unclear whether the table of the CPE interfaces comprises “data related to the CPE interfaces used by an identification function” in claim 1, and “a name of the device of the CPE, an ID number of the device of the CPE, and a MAC address of the device of the CPE” (with emphasis). That is, a total of four items in the table. Or whether it means the “data related to the CPE interfaces used by an identification function” comprises “a name of the device of the CPE, an ID number of the device of the CPE, and a MAC address of the device of the CPE”. That is, a total of three items in the data.

With regard to claim 5, it is unclear what is meant by "to which a frame with a specific receiver MAC address is to be transmitted via a sending function" in lines 8-9.

With regard to claim 5, it is unclear what is meant by "increasing by one a counter of informed recipient CPE interfaces for each informed recipient CPE interfaces" in lines 13-14, or whether it means increasing by one a counter of informed recipient CPE interfaces when any one of the recipient CPE interfaces receives a frame.

With regard to claim 5, it is unclear what is meant by "increasing by one a counter of received frames when the recipient CPE interfaces receive the frame from the buffer" in lines 15-16, or whether it means increasing by one a counter of received frames for each frame received by any one of the recipient CPE interfaces.

With regard to claim 6, it is unclear what is the "information" in line 11.

13. There is insufficient antecedent basis for this limitation in the claim.

Claim 1, lines 6-7, "device of CPE".

Claim 1, line 22, "received frames".

Claim 5, lines 12 and 15, "the recipient CPE interfaces".

Claim 6, line 9, "reservation of the input buffer".

Claim 6, line 10, "all CPE interfaces".

Claim 7, line 6, "reservation of the input buffer".

Claim 7, line 7, "all interfaces".

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RW

BW
January 14, 2007

EDAN . ORGAD
SUPERVISORY PATENT EXAMINER

